

III. REMARKS

1. Claims 1, 3-5, 7-10, 12-15, 17, 18, and 20 remain in the application. Claims 2, 6, 11, 16, 19, and 21 have been cancelled without prejudice. Claims 1, 3-5, 7-10, 12-15, 17, 18, and 20 have been amended.
2. Applicants appreciate the courtesies extended by the Examiner during the interview conducted on 18 July 2011. The Examiner provided guidance for overcoming the 35 USC 101 rejections and also provided suggestions for amending the claims for more specific features of the invention. Applicants appreciate the opportunity to discuss the claims and appreciate the suggestions made by the Examiner. While the amended claims do not exactly reflect the Examiner's suggestions, Applicants have attempted to incorporate the concepts of the discussion.
3. Applicant submits that the specification complies with MPEP 608.01(d).

MPEP 608.01(d) states that according to 37 CFR 1.73:

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed.

Since the purpose of the brief summary of invention is to apprise the public, and more especially those interested in the particular art to which the invention relates, of the nature of the invention, the summary should be directed to the specific invention being claimed, in contradistinction to mere generalities which would be equally applicable to numerous preceding patents. That is, the subject matter of the invention should be described in one or more clear, concise sentences or paragraphs. Stereotyped general statements that would fit one application as well as another serve no useful purpose and may well be required to be canceled as surplusage, and, in the absence of any illuminating statement, replaced by statements that are directly on point as applicable exclusively to the case at hand.

The brief summary, if properly written to set out the exact nature, operation, and purpose of the invention, will be of material assistance in aiding ready understanding of the patent in future searches. The brief summary should be more than a mere statement of the objects of the invention, which statement is also permissible under **37 CFR 1.73**.

The brief summary of invention should be consistent with the subject matter of the claims.

Applicant submits that it is entirely acceptable for the Summary section of the application to repeat the independent claims verbatim.

4. Applicant submits that the present amendment to the claims overcomes the 35 USC 101 rejection of the claims.

Platform controllers 23a and 23b are described on page 4, lines 24-27 of the application as:

The platform controllers 23a, 23b generally comprise any suitable module designated as the platform manager. Each platform controller maintains a list of the software copyright years relevant to the software on its platform.

From the description it is clear that the platform controllers are hardware as opposed to software because they maintain a list of the software on their platforms. Also, referring to Figure 2, the platform controllers 23a and 23b are shown, for example, as having the same form factor as expansion cards for a personal computer. Applicants have amended the claims to refer to a "platform controller card."

The system manager 22 is described on page 4, lines 17-23 as "any suitable control module designated as the system manager." In Figure 2, the system manager is shown as a computer 22 connected to memory 25 and to the platform controllers 23a, 23b. Considering both the description and drawings, it is clear that the system controller is hardware. Applicants have amended the claims to recite "a system controller connected to a memory" to indicate that the system controller is embodied in hardware.

5. Applicants respectfully submit that claims 1, 15, 17, and 18 are patentable over Fujiwara (US 6,301,710, "Fujiwara") in view of Tsumara (US 5,842,023, "Tsumara") under 35 USC 103(a).

As amended, claim 1 is directed to a system that includes at least one hardware platform controller card configured to store software copyright attributes of software stored on the at least one platform controller. The system also includes a system controller connected to a memory and configured to poll the one or more platform controllers for the software copyright attributes, to collect the software copyright attributes from the platform controllers in the memory, and to merge the software copyright attributes reported by each platform controller into a compilation of

software copyright attributes for all the platform controllers. In addition, the system includes a user interface connected to the system controller for displaying the compilation of software copyright attributes.

5.1 Applicants do not find a hardware platform controller configured to store software copyright attributes for software stored on the platform controller card, in any of the references.

Fujiwara discloses installing an update program and then creating a unique substitute registry to avoid potential conflicts between the update program and other software residing on the system. Col. 6, lines 15-53 disclose that a browser may include attributes similar to Internet access programs, e.g. Internet Explorer or Netscape, and that client configuration files 120 may include information about directories and registries for client software. The structure and configuration of individual software programs included in client registries 355 may be viewed on a graphical user interface. Col. 10, lines 18-21 discloses how a download module compares software already installed with files available for download to determine if an update is required. However, nowhere does Fujiwara disclose or suggest a controller card that stores software copyright attributes for software stored on the controller card.

Tsumura is directed to providing an information service. Control information is added to the information provided to expedite usage and to prevent illegal use of the information. A copyright information manager 5 is included to manage copyrights to the information. Col. 3, lines 51-59 disclose that the copyright information manager examines copyright information to determine copyright infringement and to determine a charge for using the information. The copyright information manager does not store copyright information but rather "...abandons any information that is no longer required" (lines 57-59). A main body of information 24 is stored in storage device 7 along with attribute data, region data, and accompanying data that includes copyright data. However, there are no software copyright attributes that are stored on a platform controller reflecting software copyright attributes for all software stored on the platform controller. The copyright information is distributed with each main body of information and is never stored in a central place.

5.2 Applicants do not find anything in the cited references, alone or in combination, that discloses a system controller connected to a memory and configured to poll the one or more platform controllers for the software copyright attributes, to collect the software copyright attributes from the one or more platform controllers in the memory, and to merge the software

copyright attributes into a compilation of software copyright attributes for all of the platform controllers.

Fujiwara only discloses installing an update program and then creating a unique substitute registry to avoid potential program conflicts. Fujiwara has no disclosure related to polling or collecting copyright attributes from platform controllers.

Tsumura discloses a main body of information 24 stored in storage device 7 along with attribute data, region data, and accompanying data that includes copyright data. However, there is no disclosure related to polling or collecting a list of software copyright attributes from one or more platform controllers, where software copyright attributes include attributes for the different software stored on the one or more platform controllers.

6. Applicants respectfully submit that claim 20 is patentable over the combination of Fujiwara, Tsumara, and Saito et al. (US 2002/073035, "Saito").

Claims 20 depends from claim 1. Saito fails to disclose or suggest the features of claim 1 missing from the combination of Fujiwara and Tsumara argued above. Therefore, the combination of Fujiwara, Tsumara and Saito fails to render claim 20 unpatentable.

7. Applicants respectfully submit that claims 3-5, 7, 9, 10, 12, and 13 are patentable over the combination of Fujiwara and Teare et al. (US 6,151,624, "Teare") under 35 USC 103(a).

Teare discloses associating metadata with network resources and locating the network resources in a language independent manner. A copy of the metadata is stored in a registry and is updated by a crawler service that periodically polls the information on each server associated with the metadata. However, Teare does not disclose or suggest a platform controller card configured to store software copyright attributes for software stored on the platform controller.

7.1 The combination of Fujiwara and Teare fails to disclose or suggest the recited "collecting" step of claims 3 and 12. While Teare does disclose "polling", this is not the same as "collecting". In particular, as the Examiner states in the first paragraph on page 18, "polling" means to take a count, while, as explained above, "collecting" means to gather together. In the Advisory Action the Examiner states that the terms are equivalent given their broadest reasonable interpretation. However, this must be consistent with the disclosure and how one of

ordinary skill in the art would interpret the terms, see MPEP 2111 and *In re Cartright*, 49 USPQ2d 1464, 1468. Here, the Examiner is expanding the terms beyond their reasonable meaning. Thus claims 3 and 12 are patentable over the combination of Fujiwara and Teare.

7.2 Claim 4 recites polling at power on. The Examiner cites Teare, column 5, lines 9-11. However, the quoted language discloses periodic polling. It discloses nothing about what happens at power on. For this additional reason, claim 4 is patentable.

7.3 Regarding claim 5, the Examiner cites Teare, column 18, lines 21-24. However, absolutely nothing is disclosed therein about the claimed polling of at least one of the at least two platform controls when polling is initiated. For this additional reason, claim 5 is patentable.

7.4 Regarding claim 7, this cited portions of Fujiwara (Figure 9; column 10, lines 3-6) mention license information. However, there is no disclosure of collecting license information as presently claimed. For this additional reason, claim 7 is patentable.

7.5 Regarding claim 9, the cited portions of Fujiwara (Figure 3; column 6, lines 51-53) disclose displaying. However there is no disclosure of the claimed automatically displaying. For this additional reason, claim 9 is patentable.

7.6 Regarding claim 10, the cited portions of Fujiwara (Figure 3; column 6, lines 51-53) disclose displaying. However, there is no disclosure of the claimed manually displaying. For this additional reason, claim 10 is patentable.

At least for these reasons, claims 3-5, 7, 9, 10, 12, and 13 are patentable over the combination of Fujiwara and Teare

8. Applicants respectfully submit that claims 8 and 14 are patentable over the combination of Fujiwara, Teare and Saito under 35 USC 103(a).

Claim 8 depends from claim 3 and claim 14 depends from claim 12. The combination of Fujiwara, Teare and Saito fails to disclose or suggest the features of claims 3 and 12 for the reasons argued above. Therefore, the combination of Fujiwara, Teare and Saito fails to render claims 8 and 14 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper

form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 24-0037.

Respectfully submitted,


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